

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**PHILIP J. CHARVAT,**

**Plaintiff,**

**v.**

**AUGEO AFFINITY  
MARKETING, INC., et al.,**

**Case No. 2:14-cv-376  
JUDGE GREGORY L. FROST  
Magistrate Judge Elizabeth P. Deavers**

**Defendants.**

**ORDER**

This matter is before the Court for consideration of Plaintiff's motion for class certification and to stay briefing pending completion of discovery (ECF No. 2) and Defendant's response memorandum (ECF No. 18). In his filing, Plaintiff asks the Court to stay briefing on the class certification motion, which also involves staying consideration of the class representative and class counsel appointments. Plaintiff seeks to conduct discovery in order to support and supplement its motion. Defendant does not oppose delaying briefing and the decision on class certification, but asserts that Plaintiff has erroneously named it as the defendant. Defendant also contends that class certification is premature.

The Court **GRANTS** the request for a stay and will hold the class certification motion in abeyance during the course of limited discovery. Because it is likely that this discovery will necessitate supplementation of the pending motion, the Clerk shall administratively terminate the motion on the docket; this termination does not mean that the motion is not technically still pending, but is only a housekeeping designation on the docket during the period of the delayed ruling on the motion.

At the August 7, 2014 preliminary pretrial conference, the Magistrate Judge shall

schedule class-related discovery and set a date by which Plaintiff shall file either a revised, second motion for class certification or, if no supplementation is necessary, a notice informing the Court that it should re-activate the previously filed motion for class certification. Upon the filing of either a second motion or the notice, the undersigned will set a merits briefing schedule on the relevant motion.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE